

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS, that CRATER TERMINAL LLC, an Oregon Limited Liability Company as to a 50% interest; CLMITCH, LLC, an Oregon Limited Liability Company, as to a 10% interest; EAGLE FIDELITY, LLC, an Oregon Limited Liability Company, as to a 10% interest; JALEX LLC, an Oregon Limited Liability Company, as to a 5% interest; WILLIAM J. BATZER, as to a 10% interest; DARYN LLC, an Oregon Limited Liability Company, as to a 5% interest; TABLE ROCK PLAZA LLC, an Oregon Limited Liability Company, as to a 10% interest, hereinafter referred to as DECLARANT, are the owners in fee simple of the lands as described in the "Surveyor's Certificate" herewith. Declarant hereby dedicates to the City of Medford, for public use, a 6.50 foot wide strip of land coincident with the northerly right-of-way of Skypark Drive, a public street, for a total half street right-of-way width of 31.50 feet. Also, Declarant hereby dedicates to the City of Medford, for public use, the 6.50 foot Public Utility Easement, coincident to the existing Public Utility Easement for a total width of 10.00 along the northerly right-of-way of said Skypark Drive and a 10.00 foot Public Utility Easement along the southerly right-of-way of Crater Lake Highway, as depicted hereon. Declarant hereby creates a Shared Cross Access Easement as depicted hereon for the use and benefit of Parcels 1 and 2. Declarant has caused this tract of land to be surveyed and platted into parcels, as depicted hereon.

AFFIDAVIT OF DECLARATION

Declaration for this partition by CRATER TERMINAL LLC, an Oregon Limited Liability Company; CLMITCH, LLC, an Oregon Limited Liability Company; EAGLE FIDELITY, LLC, an Oregon Limited Liability Company; JALEX LLC, an Oregon Limited Liability Company; WILLIAM J. BATZER; DARYN LLC, an Oregon Limited Liability Company; TABLE ROCK PLAZA LLC, an Oregon Limited Liability Company, via Instrument Number 2014-14890, of the Official Records of Jackson County, Oregon.

NOTES

Pursuant to a Preliminary Title Report with an Order Number of 7169-2183996, and dated June 4, 2014, prepared by First American Title Company of Oregon, the property depicted hereon is subject to the following exceptions:

- (A) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
(B) Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
(C) Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
(D) Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrances, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete survey of the subject land.
(E) Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
(F) City liens, if any, of the City of Medford.
(G) Covenants, conditions, restrictions and/or easements including the terms and provisions thereof, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 36-04(c), of the United States Codes, recorded in Volume 318 at Page 179 of the Dead Records of Jackson County, Oregon and amended in Instrument Number 98-02325, of the Official Records of Jackson County, Oregon.
(H) An Aviation, Noise and Hazard Easement, including the terms and provisions thereof, recorded as Instrument Number 94-24897, of the Official Records of Jackson County, Oregon.
(I) An Easement for the transmission and distribution of electricity, including the terms and provisions thereof, recorded as Instrument Number 96-15555, of the Official Records of Jackson County, Oregon (depicted hereon).
(J) A Public Utility Easement as shown on said MITCHEL BROS. INDUSTRIAL PARK. A portion of this easement is within the area being dedicated hereon (the portion not within said dedication is depicted hereon).
(K) A Deed of Trust, including the terms and provisions thereof, recorded as Instrument Number 2007-026407; the amendments to said Deed of Trust, recorded as Instruments Numbered 2007-038173, 2010-042070, 2012-045080 and 2013-017823; and the Partial Reconveyance recorded as Instrument Number 2013-042858, all of the Official Records of Jackson County, Oregon.
(L) Assignment of leases and/or rents, including the terms and provisions thereof, recorded as Instrument Number 2007-026408, of the Official Records of Jackson County, Oregon.
(M) Assignment of leases and/or rents, including the terms and provisions thereof, recorded as Instrument Number 2010-042071, of the Official Records of Jackson County, Oregon.
(N) Any conveyance or encumbrance by Crater Terminal LLC, CLMITCH LLC, Eagle Fidelity LLC, Jalex LLC and Table Rock Plaza LLC, should be executed pursuant to their Operating Agreement.
(O) An Encroachment Agreement, the terms and provisions thereof, including the Encroachment Easement, recorded as Instrument Number 2014-010052, of the Official Records of Jackson County, Oregon (depicted hereon).

PARTITION PLAT NO. P-17-2014

Located in the Northeast One-Quarter of Section 18, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

PREPARED FOR:

CRATER TERMINAL, LLC, ET AL.
3126 State Street, Suite 200
Medford, Oregon 97504

SURVEYOR'S CERTIFICATE

I, Robert V. Neathamer, a Registered Professional Land Surveyor of the State of Oregon, do hereby certify that I have correctly surveyed and marked with the proper monuments, as provided by law, the tract of land depicted hereon and that this plat is a correct representation of said tract and that the following is an accurate description of the boundary lines of the parent tract of land as set forth hereon:

That certain real property described in Instrument Number 2013-040554, of the Official Records of Jackson County, Oregon, being located in the Northeast One-quarter of Section 18, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, more particularly described as follows:

Beginning at the Initial Point, being a found brass disk on the southerly right-of-way for Crater Lake Highway, being the most northerly corner of Lot 10, Block 1 of Rogue Valley, filed for record on September 13, 1948 and recorded in Volume 6 of Plats at Page 42 of the Records of Jackson County, Oregon, and the Initial Point of Mitchell Bros. Industrial Park, filed for record on December 11, 1985, and recorded in Volume 15 of Plats at Page 46 of the Records of Jackson County, Oregon, and filed as Survey Number 10412 in the office of the Jackson County Surveyor; thence along said right-of-way the following courses and distances: North 50°56'52" East 85.51 feet to a found 5/8 inch diameter iron pin, refer to Survey Number 9316, filed in the office of the Jackson County Surveyor; North 34°03'33" West, 10.00 feet to a found 5/8 inch diameter iron pin, said Survey Number 9316; North 50°56'52" East, 158.55 to a found 5/8 inch diameter iron pin with a plastic cap marked "NEATHAMER SURVEYING", refer to Survey Number 21406, said records, and the northeast corner of said Lot 3; thence leaving said right-of-way and along the easterly boundary of said Lot 3 the following courses and distances: South 39°03'33" East, 222.87 feet to a found 5/8 inch diameter iron pin with a plastic cap marked "R BATH LS 1069", said Industrial Park; North 50°55'10" East, 55.98 feet to a found 5/8 inch diameter iron pin with a plastic cap marked "R BATH LS 1069", said Industrial Park; South 39°03'33" East, 224.34 feet to a found 5/8 inch diameter iron pin, said Survey Number 9316; North 50°55'20" East, 99.89 feet to a found 3/4 inch diameter pipe, said Survey Number 9316; South 39°03'33" East, 100.09 feet to a found 5/8 inch diameter iron pin with a plastic cap marked "NEATHAMER SURVEYING", said Survey Number 21406, and the northerly right-of-way for Sky Park Drive; thence along last said northerly right-of-way the following courses and distances: South 50°55'20" West, 210.96 to a found 5/8 inch diameter iron pin with a plastic cap marked "NEATHAMER SURVEYING", said Survey Number 21406, and the beginning of tangent curve to the right having a radius of 75.00 feet and a central angle of 34°11'43", the long chord of said curve bears South 70°31'12" West, 50.31 feet; along the arc of said curve 51.31 feet to a found 5/8 inch diameter iron pin with a plastic cap marked "R BATH LS 1069", said Industrial Park; North 89°52'57" West, 156.85 feet to a found 5/8 inch diameter iron pin with a plastic cap marked "NEATHAMER SURVEYING", said Survey Number 21406; thence North 39°03'21" West, 221.40 feet to a found 5/8 inch diameter iron pin with a plastic cap marked "NEATHAMER SURVEYING", said Survey Number 21406; thence South 50°56'52" West, 20.00 feet to the westerly boundary of said Lot 3; thence North 39°03'21" West, along said Lot 3 westerly boundary, 200.00 feet to the Initial Point and the Point of Beginning.

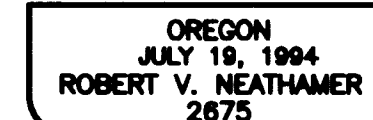
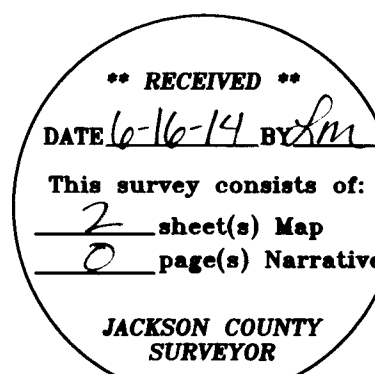
Robert V. Neathamer
Surveyor

RECORDING

FILED FOR RECORD THIS THE 16th DAY OF June, 2014, AT 1:42 O'CLOCK P.M. AND RECORDED AS PARTITION PLAT NO. P-17-2014, OF THE RECORDS OF PARTITION PLATS, JACKSON COUNTY, OREGON. INDEX VOLUME 25, PAGE 17.

Christine D. Walker County Clerk
Sonya J. Morgan Deputy

I hereby certify that this is an exact copy of the original.
Robert V. Neathamer
Surveyor



Renewal Date 12/31/14

SURVEY NARRATIVE TO COMPLY WITH PARAGRAPH 209.250, OREGON REVISED STATUTES

PURPOSE: To survey and monument Client's property pursuant to the Tentative Partition Plat as conditionally approved by the City of Medford Planning Commission per the Final Order dated March 27, 2014 (File No. LDP-14-003).

PROCEDURE: Utilizing Trimble 5700 GPS equipment, a Trimble S6 Robotic Total Station and Trimble TSC2 and TSC3 Data Collectors with Trimble Survey Controller software and Real-time Kinematic methods utilizing the Oregon Real-time GPS Network (ORGN), all found monuments were tied within closed loop traverses or via redundant ties.

Records utilized for this survey: Instruments Numbered 2007-26406, 2007-38112, 2007-38174, 2007-28175, 2007-39911, 2008-040033, 2011-00107, 2013-040554 and 2013-040560, all of the Official Records of Jackson County, Oregon; Surveys Numbered 9316 and 21406, as filed in the office of the Jackson County Surveyor; ROGUE VALLEY HEIGHTS filed for record on September 13, 1948 and recorded in Volume 6 of Plats at Page 42, of the Records of Jackson County, Oregon; SKYPARK, filed for record on May 2, 1980 and recorded in Volume 1 at Page 81 of "Major Land Partitions" in Jackson County, Oregon, also filed as Survey Number 8352, in the office of the Jackson County Surveyor; A Minor Land Partition filed for record on October 2, 1980 and recorded in Volume 3 at Page 12, of "Minor Land Partitions" in Jackson County, Oregon, and filed as Survey Number 8538, said records; MITCHEL BROS. INDUSTRIAL PARK filed for record on December 11, 1985 and recorded in Volume 15 of Plats at Page 46 of the Records of Jackson County, Oregon, and filed as Survey Number 10412, said records.

Utilizing said file number LDP-14-003, record documents, filed surveys, monuments and controlling boundaries previously found, set and established by this office per said Survey Numbered 21406, the exterior boundary and resultant parcels were computed as depicted hereon.

Exterior boundary angle points and the beginning and end of curves, as depicted hereon, were established on April 30, 2014.

AFFIDAVIT OF RELEASE

Release from lien per the Trust Deed recorded June 4, 2007 as Instrument Number 2007-026407 and amended per Instruments Numbered 2007-038173, 2010-042070, 2012-045080, 2013-017823, 2013-042857 and 2013-042858, all of the Official Records of Jackson County, Oregon, for all property shown hereon as dedicated to public use via Instrument Number 2014-14890, of the Official Records of Jackson County, Oregon.

APPROVALS:

CITY OF MEDFORD PLANNING FILE NUMBER: LDP-14-003

I certify that, pursuant to the authority granted in Ordinance No. 5785, of the City of Medford Municipal Code, that this plat is hereby approved.

James E. Heber Planning Director 6/13/14 Date

Examined and approved this 10th day of June 2014. Shannon Bell City Engineer Tammy Linn Deputy City Surveyor

All taxes, fees, assessments, or other charges as required by O.R.S. 92.095 have been paid as of June 16, 2014.

Shannon Bell Tax Collector Tammy Linn Deputy

Examined and approved as required by O.R.S. 92.100 this 16th day of JUNE, 2014.

JOSH GIBSON Assessor Neena Crawford Deputy

21499

Jackson County Surveyor File Number

PREPARED BY: Neathamer Surveying, Inc. 3126 State St, Suite 203 P.O. Box 1584 Medford, Oregon 97501 Phone (541) 732-2869 FAX (541) 732-1382

PLOT DATE: June 4, 2014 PROJECT NUMBER: 07045-B

Sheet 1 of 2 © NR

**PARTITION PLAT NO. P-17-2014**

Located in the Northeast One-Quarter of Section 18, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

**PREPARED FOR:**

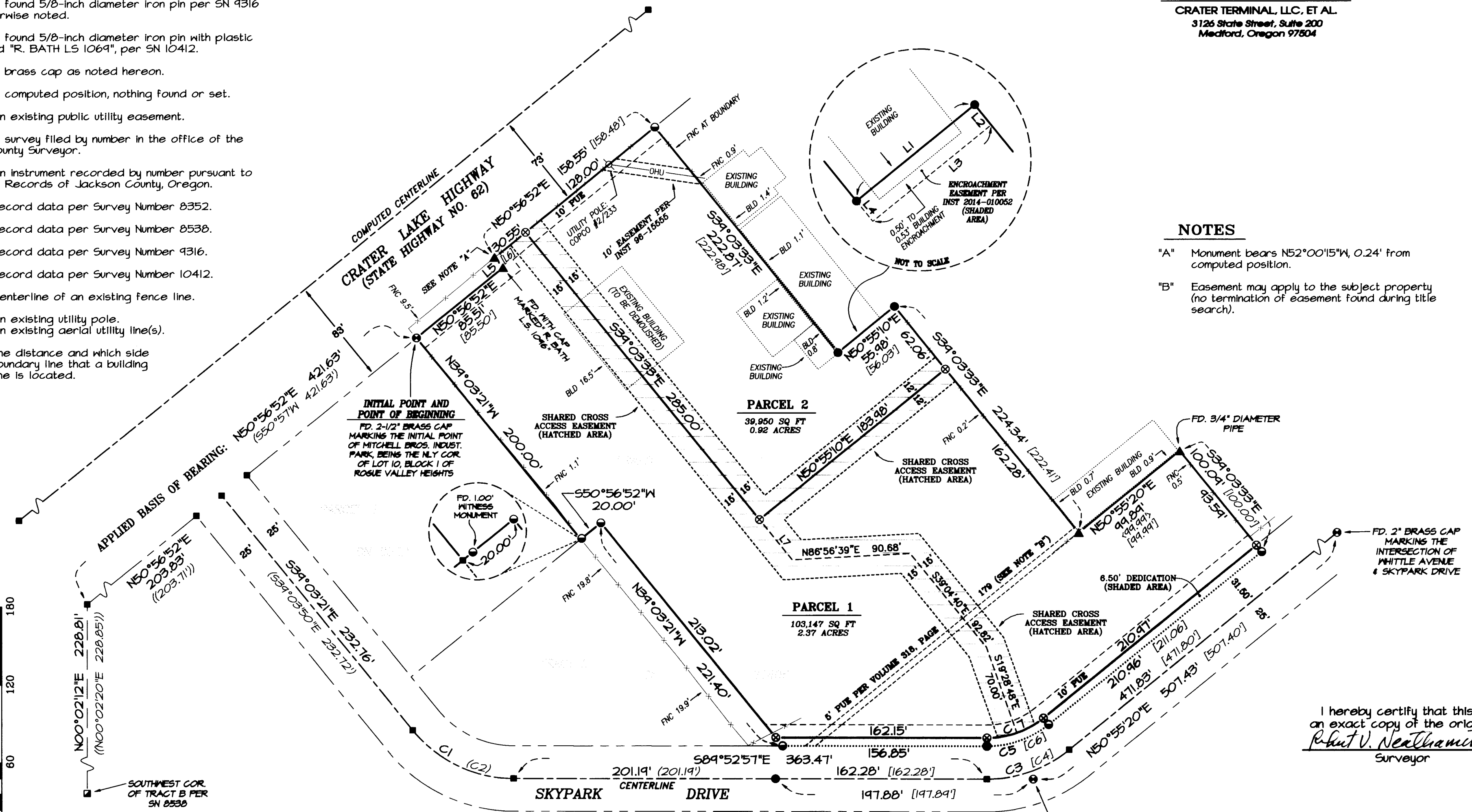
**CRATER TERMINAL, LLC, ET AL.**  
3126 State Street, Suite 200  
Medford, Oregon 97504

**NOTES**

- "A" Monument bears N52°00'15"W, 0.24' from computed position.
- "B" Easement may apply to the subject property (no termination of easement found during title search).

**LEGEND:**

- ⊗ Indicates a set 5/8-inch diameter by 30 inches long iron pin with an orange plastic cap marked "NEATHAMER SURVEYING".
- Indicates a found 5/8-inch diameter iron pin with a plastic cap marked "NEATHAMER SURVEYING", per SN 21406.
- Indicates a found lead and tack in concrete per SN 8538.
- ▲ Indicates a found 5/8-inch diameter iron pin per SN 9316 unless otherwise noted.
- Indicates a found 5/8-inch diameter iron pin with plastic cap marked "R. BATH LS 1069", per SN 10412.
- ⊙ Indicates a brass cap as noted hereon.
- Indicates a computed position, nothing found or set.
- PUE Indicates an existing public utility easement.
- SN Indicates a survey filed by number in the office of the Jackson County Surveyor.
- INST Indicates an instrument recorded by number pursuant to the Official Records of Jackson County, Oregon.
- ( ) Indicates record data per Survey Number 8352.
- (( )) Indicates record data per Survey Number 8538.
- < > Indicates record data per Survey Number 9316.
- [ ] Indicates record data per Survey Number 10412.
- Indicates centerline of an existing fence line.
- Indicates an existing utility pole.
- OHU- Indicates an existing aerial utility line(s).
- 1.0'± Indicates the distance and which side from the boundary line that a building or fence line is located.



I hereby certify that this is an exact copy of the original.  
*Robert V. Neathamer*  
Surveyor

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N50°55'10"E	55.98'
L2	S34°03'33"E	5.00'
L3	S50°55'10"W	55.98'
L4	N34°03'33"W	5.00'
L5	N34°03'33"W	10.00'
L6	-	10.00'
L7	S34°03'33"E	34.80'

**CURVE TABLE**

CURVE	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	50°44'35"	100.00'	88.71'	S64°28'09"E	85.83'
C2	50°44'32"	100.00'	88.71'	-	-
C3	34°11'43"	100.00'	68.41'	N70°31'12"E	67.08'
C4	34°11'43"	100.00'	68.41'	N70°32'22"E	67.08'
C5	34°11'43"	75.00'	51.31'	S70°31'12"W	50.31'
C6	34°11'43"	75.00'	51.31'	N70°32'22"E	50.31'
C7	34°11'43"	68.50'	46.86'	S70°31'12"W	45.95'

**BASIS OF BEARINGS:**

Geodetic North referenced to NAD83 (91), established by Global Positioning System Observations. Applied basis as depicted hereon.

**PREPARED BY:**

*Neathamer Surveying, Inc.*  
3126 State St, Suite 203  
P.O. Box 1584  
Medford, Oregon 97501  
Phone (541) 732-2869  
FAX (541) 732-1382

PLOT DATE: June 4, 2014

PROJECT NUMBER: 07045-B

Sheet 2 of 2 © NR

**\*\* RECEIVED \*\***  
DATE 6-16-14 BY *[Signature]*  
This survey consists of:  
2 sheet(s) Map  
0 page(s) Narrative  
JACKSON COUNTY SURVEYOR

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
*Robert V. Neathamer*  
OREGON  
JULY 19, 1984  
ROBERT V. NEATHAMER  
2675  
Renewal Date 12/31/14